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SECRETARIAT
OF
THE ORISSA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 2nd June 2007

No. 8217/LA.—The following Bill which has been introduced in the Orissa Legislative Assembly on the 2nd June, 2007 is herewith published under Rule-68 of the Rules of Procedure and Conduct of Business in the Orissa Legislative Assembly for general information.

**SHRI HARISHANKAR AND SHRI NRUSINGHANATH TEMPLES
BILL, 2007**

(By Shri Satya Bhusan Sahu, M.L.A.)

A

BILL

TO PROVIDE FOR BETTER ADMINISTRATION AND
GOVERNANCE OF TEMPLES OF SHRI HARISHANKAR
AT BALANGIR AND SHRI NRUSHINGHANATH AT BARGARH
AND ITS ENDOWMENTS.

BE it enacted by the Legislature of the State of Orissa in the Fifty-
eighth year of Republic of India as follows :—

Short title
and
commence-
ment.

1. (1) This Act may be called Shri Harishankar and Shri
Nrushinghanath Temples Act, 2007

(2) It shall come into force on such date as the State Government
may, by notification, appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or
context :—

(a) "Committee" means Shri Harishankar and Shri
Nrushinghanath Temple Managing Committee constituted
under this Act ;

(b) "Minister" means Cabinet Minister or Minister of State ;

(c) "Sevak" means any person who is recognised by a competent authority as a sevak or his substitute and includes a person appointed to perform any niti or seva ;

(d) "State Government" means State Government of Orissa ;

(e) "Temple Fund" shall means Shri Harishankar and Shri Nrusinghanath Temple Fund Constituted under Section-14 ;

(f) "Year" means financial year.

In corpora-
tion in the
Committee.

3. Notwithstanding anything in any other law for the time being in force or custom, usage or contract, sanad, deed or engagement, the administration and the governance of the Temples and its endowments shall vest in a Committee called Shri Harishankar and Shri Nrusinghnath Committee constituted as such by the State Government and it shall have the rights and Privileges in respect thereof as provided in Section-6 . It shall be a body corporate, having perpetual succession and a common seal and may, be the said name sue and be sued.

Constitution
of the
Committee.

4. (1) The Committee constituted under Section-3 shall consist of 14 members and shall be composed as follows :—

(a) Any person preferably Minister from Balangir or Bargarh District, to be nominated by the State Government, who shall be the Chairman ;

(b) The Revenue Divisional Commissioner, Northern Circle, *Ex-officio* Member, who shall be the working Chairman ;

(c) The Chief Administrator appointed under Section-7, *Ex-Officio*, Member, who shall be the Secretary ;

(d) Collector of the District of Balangir, *Ex-Officio* Member ;

(e) Collector of the District of Bargarh, *Ex-Officio* Member ;

(f) The Commissioner of Endowments appointed under the Orissa Hindu Religions Endowments Act, 1951 *Ex-Officio* Member ;

(g) The Additional Secretary, Law Department in-charge of Temple Administration *Ex-Officio* Member ;

(h) The Superintendent of Police, Balangir, *Ex-Officio* Member ;

(i) The Superintendent of Police, Bargarh, *Ex-Officio* Member ;

(j) Five persons to be nominated by the State Government, Member ; and

(2) The appointed or nomination of the Members shall be notified in the *Orissa Gazette* .

Co-opted
Members.

5. (1) The Committee may Co-opt in the prescribed manner such member of persons, not exceeding four.

(2) The term of office of the Co-opted Members shall be Co-terminous with the term of other members as specified in Section-8.

(3) The Co-opted Members shall have right to take part in the proceedings at every meeting of the Committee but shall not have right to vote at any such meeting.

Committee to be in possession of the Temple and its proportion. 6. (1) The Committee shall be entitled to take and be in possession of all movable and immovable properties, funds and jewelers, records, documents and other assets belonging to Temples.

(2) If in obtaining such possession, the Committee or any person authorised in this behalf by the Committee is resisted or obstructed by any one, it may make a requisition in the prescribed form to any Executive Magistrate within whose jurisdiction any such property is situated to deliver its possession to the Committee; on receipt of the requisition, the Magistrate, shall hold a summary enquiry into the facts of the case and if satisfied that the resistance or obstruction was without any just cause, shall comply with the said requisition; and in exercising the powers under this section, the Magistrate shall be guided by the rules made under this Act.

(3) No suit, prosecution or other legal proceeding shall lie against the Committee or any person acting under its instruction or authorised by it for anything done in good faith under sub-section (2) :

Provided that nothing contained in this section shall bar the institution of a suit by any person aggrieved by an order made thereunder from establishing his title to the said property.

Appointment of Chief Administrator. 7. There shall be a Chief Administrator for the temples who shall be appointed by the State Government from among Members of the Indian Administration Service.

Term of Office of Members. 8. Every Member of the Committee other than the Chairman and the *Ex-officio* Members shall hold office for a period of three years from the date of notification under sub-section (2) of section 4 and shall be eligible for re-nomination.

Meeting of the Committee. 9. (1) The Committee shall maintain its office at such place or places at Balangir or Bargarh as the Committee may determine for the transaction of its business.

(2) The Committee shall meet not less than six times during a calendar year.

(3) The Chairman and in his absence the Vice-Chairman shall preside over the meeting of the Committee and in the absence of both any other Member elected by the Members present shall preside over such meeting.

(4) the quorum of the meeting of the Committee is one third of the total strength of the Members of the Committee.

Allowance to the Members of the Committee. 10. It shall be within the power of the State Government by order direct from time to time the payment of such allowance, at such time and in such manner as the State Government may consider reasonable and proper.

Duties
of the
Committee.

11. Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of the Committee:—

(1) To arrange for the proper performance of seva-puja and of the daily and periodical Notice of the Temples in accordance with the record of rights ;

(2) To provide facilities for the proper performance of worship by the pilgrims ;

(3) To ensure the safe custody of the funds, valuable securities and jewelleryes and for the preservation and management of properties vested in both the Temples ;

(4) To ensure maintenance of order and discipline and proper hygienic conditions in the Temples ;

(5) To ensure that funds of the specific and religions endowments are spent according to the wishes of the donor ;

(6) To make provisions for the payment of suitable emoluments to its salaried staff ;

(7) To make steps for the development of each Temple ;

(8) To do all such things as may be incidental and conducive to the efficient management of the affairs of Temples and its endowments or to the convenience of the pilgrims.

Administra-
tion report.

12. (1) The Committee shall annually submit to the State Government a report on the Administration of the affairs of each temple at such time as the State Government may prescribe.

(2) The report prepared and published under this section, shall as soon as possible, be laid before the Legislative Assembly.

Power and
duties of
Chief
Administra-
tor.

13. (1) The Chief Administrator shall be the Secretary of the Committee and shall, subject to the control of the Committee, have power to carry out its decision in accordance with the provisions of this Act.

(2) He shall have power—

(a) To appoint all Officers and employees of each Temple ;

(b) To lease out for a period not exceeding three years at a time, the lands and buildings of Temples which are ordinarily leased out ;

(c) To order for emergency repairs ;

(d) To decide disputes relating to the rights, privileges, duties and obligation of sevak, Officeholders and servants in respect of seva-puja.

(3) The Chief Administrator may, subject to such conditions, if any, as the Committee may, by general or special order impose, afford facilities on payment of fees for special darshan or for any special service, ritual or ceremony, such darshan, service, ritual or ceremony not being consistent with the custom and usage of the Temple and he shall have power to determine the portion, if any, of such fees which shall be paid to the sevak, officeholders or servant of each Temple.

Temple
Fund.

14. (1) The State Government, by notification in the official Gazette, shall constitute a Fund to be called the Temple Fund.

(2) The Temple Fund shall be the contribution from the State Government and donation received from the people.

Control of
Sevak etc.

15. All sevaks, officeholders and employees attached to Temples or in receipt of any emoluments or perquisites there from shall, whether such service is hereditary or not, be subject to the control of the Chief Administrator who may, subject to the provisions of this Act and the regulation, made by the Committee in that behalf, after giving the person concerned a reasonable opportunity of being heard:—

- (a) Withhold the receipt of emoluments or requisites ;
- (b) Impose a fine of an amount not exceeding one thousand rupees ;
- (c) Suspend ; or
- (d) Dismiss ;

any of them for breach of trust, in capacity, disobedience of Lawful orders, neglect of or wilful absence from duty, disorderly behavior or conduct derogatory to the discipline of dignity or temples or for any other sufficient cause.

Appeal
against the
orders of
the Chief
Administrator.

16. Any person aggrieved by any order passed by the Chief Administrator under this Act or Rules or regulations made thereunder may, within 90 days of the communication of the order to him, prefer an appeal before the Committee.

Budget.

17. The Chief Administrator shall, every year, prepare in the prescribed manner and from a budget of the receipts and expenditure of both Temples and its endowments and place it before the Committee which may approve it with or without modification. After approved of the Committee the budget shall be submitted to the State Government for sanction before such date as may be fixed by the State Government in that behalf.

Audit.

18. The State Government shall every year appoint an auditor to audit the accounts of both temples and its endowments.

Offence.

19. Whenever any person having duties to perform in respect of the Nitis of the Temple or seva-puja of the deity vaies any claim of dispute any fails or refuses to perform such duties, knowing or having reasons to believe that the nonperformance of said duties would cause delay in the performance of the Niti or Seva-puja or in convenience or harassment to the public, such person or any other person who abets such conduct shall be quality of an offence punishable on conviction with fine which may extend upto one thousand rupees.

Fines to be credited to Temple Fund.

20. All amounts realised on accounts of fines upon conviction for offences under this Act or as a result of composition shall be credit to the Temple Fund.

Power of the State Government to make rules.

21. The State Government may, by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

Power to remove difficulties.

22. If any difficulty arises in giving effect to the provisions of this Act, the State Government may as occasion may require, by order do anything not inconsistent with this Act or on rules made thereunder which appears to them necessary for the purpose of removing the difficulty.

STATEMENT OF OBJECTS AND REASONS

The nature has gifted two magnificent and sacred tourist spots to the State of Orissa one at Nrusinghanath in the district of Bargarh and another at Harishankar in the district of Balangir. For lack of infrastructural development those two spots cannot come to lime light to the expectation. To attract more and more tourists of different parts of the world, it is need of the hour to have all round development of those two spots. For this purpose it is uppermost to have a development Board especially to oversee the development work of those two spots through a Legislation. Hence this is a Bill.

S. B. SAHU

Member-in-charge

K. C. Barik

Secretary

Orissa Legislative Assembly